REMARKS

In the Office Action the Examiner noted that claims 1-14 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1 and 9 have been amended. No new matter has been presented. Thus, claims 1-14 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Examiner's Objection To Drawings

In the Office Action Summary the Examiner objected to the drawings of the present application. The Applicants' representative contacted the Examiner by telephone on April 4, 2008, to point out that the objections were made in error. The Examiner agreed to withdraw the objections to the drawings in the next action.

Claim Rejections Under 35 USC §103

In items 3-13 on pages 2-3 of the Office Action the Examiner rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over the Description of the Related Art in the present application (hereinafter referred to as "DRA") in view of Official Notice. The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites determining whether said basic instruction can be assigned to a logical instruction slot; and assigning, to a physical instruction slot, said basic instruction determined to be assignable to said logical instruction slot by increasing a logical instruction slot pointer based on a relation between said basic instruction determined to be assignable and another basic instruction assigned to a corresponding logical instruction slot; wherein the logical instruction slot is an imaginary instruction slot which corresponds to the functional unit. The amendment to claim 1 is supported throughout the present application, particularly at least on page 12, lines 1-22 and page 28, lines 6-12. The Applicants respectfully submit that at least these features are not disclosed or contemplated by DRA, and are not obvious in light of DRA.

The Examiner alleged that DRA discloses determining whether a basic instruction can be assigned to a logical instruction slot through checking a relationship between a classification of a functional unit and the logical instruction slot, relying on page 10, lines 6-23 of DRA. However, the Applicants respectfully submit that the Examiner has cited a conventional process of

compiling VLIW code to be used in a VLIW processor. This is in direct contrast to determining whether said basic instruction can be assigned to a logical instruction slot...wherein the logical instruction slot is an imaginary instruction slot which corresponds to the functional unit, as is recited in claim 1 of the present application.

One of the possible advantages gained through an example embodiment enabled by claim 1 of the present application can be explained thusly. A basic instruction assignable to a logical instruction slot is also assignable to a physical instruction slot. By checking a relationship between the assignable basic instruction and other basic instructions assigned to the logical instruction slot, an arrangement of basic instructions complying with certain restrictions can be generated. If no constraint, among basic instructions of the same classification, on the relationship between the assignable basic instruction and other basic instructions assigned to the logical instruction slot is required, it is not necessary to check whether a basic instruction can be assigned to a logical instruction unit. A basic instruction assignable to a physical instruction slot is issuable as a part of variable length VLIW instruction. Such a process or advantage is not even contemplated by DRA.

The Applicants respectfully note that the discussion in the previous paragraph is offered simply to aid the Examiner's understanding of some of the differences between claim 1 and DRA. The Applicants are **not** relying on any portion of this discussion as providing a patentably distinguishable characteristic of claim 1 over DRA. Rather, the Applicants **are** relying on the fact that DRA does **not** disclose, suggest, or contemplate the **recited feature** of "determining whether said basic instruction can be assigned to a logical instruction slot; and assigning, to a physical instruction slot, said basic instruction determined to be assignable to said logical instruction slot by increasing a logical instruction slot pointer based on a relation between said basic instruction determined to be assignable and another basic instruction assigned to a corresponding logical instruction slot; wherein the logical instruction slot is an imaginary instruction slot which corresponds to the functional unit."

Further, the Applicants respectfully submit that the Examiner has taken improper Official Notice in the Office Action. The Examiner has simply alleged that a pointer is a conventional means for designating placement of data in a sequentially addressable memory location. However, the Applicants respectfully submit that the recited features of claim 1 are not reciting any such typical pointer as discussed by the Examiner, and further that the Official Notice fails to recognize the novel use of a logical instruction slot pointer recited in claim 1.

However, even assuming, arguendo, that the Examiner's Official Notice were valid, such notice nevertheless does not cure the deficiencies of DRA as discussed previously in this Amendment.

In order to form a proper rejection under §103, the cited references must disclose all of the features of the rejected claim. Therefore, since neither DRA nor the Examiner's Official Notice discloses or suggests at least the features of claim 1 discussed above, it is respectfully submitted that claim 1 patentably distinguishes over the cited references.

Claims 2-8 and 13-14 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by DRA. Therefore, it is respectfully submitted that claims 2-8 and 13-14 also patentably distinguish over DRA.

Claim 9 of the present application, as amended, recites similar features to those discussed above in regard to claim 1, and which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claim 9 also patentably distinguishes over DRA.

Claims 10-12 depend from claim 9 and include all of the features of that claim plus additional features which are not disclosed or suggested by DRA. Therefore, it is respectfully submitted that claims 10-12 also patentably distinguish over DRA.

Summary

In accordance with the foregoing, claims 1 and 9 have been amended. No new matter has been presented. Thus, claims 1-14 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
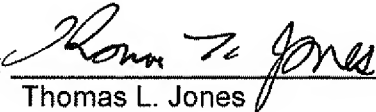
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____June 27, 2008_____   By: _____

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